



COMMONWEALTH OF KENTUCKY
OFFICE OF THE GOVERNOR

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TREY GRAYSON
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY R. Adkins

VETO MESSAGE FROM THE
GOVERNOR OF THE COMMONWEALTH OF KENTUCKY

House Bill 382 of the 2006 Regular Session – Partial Veto #1

I, Ernie Fletcher, Governor of the Commonwealth of Kentucky, pursuant to the authority granted under Section 88 of the Kentucky Constitution, do hereby veto the following part:

Page 4, line 4, after the word “to” delete “14”.

A veto of this part is necessary as the facilities department of the Administrative Office of the Courts should be free to implement the design and alteration of the Fayette County Courthouses as it determines to be in the best interest of the public.

House Bill 382 of the 2006 Regular Session – Partial Veto #2

I, Ernie Fletcher, Governor of the Commonwealth of Kentucky, pursuant to the authority granted under Section 88 of the Kentucky Constitution, do hereby veto the following part:

Page 6, lines 9 through 13, in their entirety.

A veto of this part is necessary as it is inconsistent with Part III, Section 1, of House Bill 382.

House Bill 382 of the 2006 Regular Session – Partial Veto #3

I, Ernie Fletcher, Governor of the Commonwealth of Kentucky, pursuant to the authority granted under Section 88 of the Kentucky Constitution, do hereby veto the following part:

Page 7, line 20, after the word “Judge” delete “, elected after January 1, 2007,”.



AN EQUAL OPPORTUNITY EMPLOYER M/F/D

A veto of this part is necessary to ensure that judges on the election ballot in November of 2006 cannot retire early and return to work at the commencement of the new term in January 2007, and receive both retirement benefits and salaried compensation.

House Bill 382 of the 2006 Regular Session – Partial Veto #4

I, Ernie Fletcher, Governor of the Commonwealth of Kentucky, pursuant to the authority granted under Section 88 of the Kentucky Constitution, do hereby veto the following parts:

Page 8, line 9, after “KS 23A.040”, delete “, effective July 15, 2006,”.

Page 9, line 13, after “KS 23A.045”, delete “, effective July 15, 2006,”.

Page 9, line 26, after “KS 23A.050”, delete “, effective July 15,”.

Page 11, line 20, after “2007”, delete “, and an election to fill each new judgeship shall be placed on”.

Page 11, lines 21 through 25 in their entirety.

Page 11, line 26, delete “file a valid petition for nomination shall be placed on the ballot”.

A veto of these parts is necessary as they are inconsistent with the language regarding the effective dates of the new judgeships created by House Bill 382. Furthermore, the language of Part V, section 6, is at odds with the requirements of the Kentucky Constitution.

Done this 24th day of April, 2006.

A handwritten signature in cursive script, reading "Ernie Fletcher". The signature is written in dark ink and is positioned above a horizontal line.

Ernie Fletcher, Governor



GENERAL ASSEMBLY

COMMONWEALTH OF KENTUCKY

2006 REGULAR SESSION

HOUSE BILL NO. 382

AS ENACTED

WEDNESDAY, APRIL 12, 2006

AN ACT making appropriations for the operations, maintenance, support, and functioning of the Judicial Branch of the government of the Commonwealth of Kentucky and its various officers, boards, commissions, subdivisions, and other state-supported activities.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

PART I

OPERATING BUDGET

(1) **Funds Appropriations:** There is appropriated out of the General Fund, Restricted Funds accounts, and Federal Funds accounts for the fiscal year beginning July 1, 2006, and ending June 30, 2007, and for the fiscal year beginning July 1, 2007, and ending June 30, 2008, the following sums to be used for the purposes of the Judicial Branch of the government of the Commonwealth of Kentucky, including the Supreme Court, Court of Appeals, Circuit Court, Family Court, District Court, the Administrative Office of the Courts, Judicial Retirement, Local Facilities Fund, Local Facilities Use Allowance Contingency Fund, and for services performed by the circuit clerks' offices, including both Circuit and District Court support.

1. Court of Justice

a. Court operations and administration

	2006-07	2007-08
General Fund	180,542,400	193,575,400
Restricted Funds	21,780,600	22,085,100
Federal Funds	1,769,900	1,431,500
TOTAL	204,092,900	217,092,000

(1) **Salary Adjustments:** Funds are included to provide a salary adjustment in fiscal years 2006-2007 and 2007-2008 for non elected court personnel. Included are funds to provide for a salary adjustment in fiscal years 2006-2007 and 2007-2008 for the justices and judges. Also included are funds for the salaries of the circuit clerks in fiscal

1 years 2006-2007 and 2007-2008.

2 Notwithstanding KS 18A.355(1), in fiscal year 2006-2007 and in fiscal year 2007-
3 2008 a salary adjustment amounting to an annualized value on the base salary or wages of
4 each eligible full-time and part-time employee on their anniversary date is provided. The
5 amount of the salary adjustment is determined by each eligible employee's annual base
6 salary or wages on their anniversary date, and the following table reflects the annualized
7 values of the salary adjustment for fiscal year 2006-2007 and fiscal year 2007-2008.

8	Annual Base Salary or Wages	2006-07	2007-08
9	\$0 to \$30,000.00	\$1,350	\$1,350
10	\$30,000.01 to \$50,000.00	\$1,200	\$1,200
11	\$50,000.01 to \$60,000.00	\$1,000	\$1,000
12	\$60,000.01 to \$80,000.00	\$600	\$600
13	\$80,000.01 and above	\$400	\$400

14 Commencing with an eligible employee's anniversary date, the salary adjustment
15 shall be added to the eligible employee's base salary or wages and shall be disbursed by
16 payroll period in a one-twenty-fourth installment for the duration of the employment. The
17 Chief Justice of the Supreme Court shall determine the pro rata amount of the salary
18 adjustment to be provided to part-time employees. The salary adjustment shall be a part
19 of the salary or wage base of the employee.

20 **(2) Circuit Court Judgeships:** Included in the above General Fund appropriation
21 is funding in fiscal year 2006-2007 and fiscal year 2007-2008 to support eight Circuit
22 Court judgeships authorized by the 2005 General Assembly and additional Circuit Court
23 judgeships in the Fourth Judicial Circuit, the Ninth Judicial Circuit, the Fourteenth
24 Judicial Circuit, the Thirty-ninth Judicial Circuit, the Forty-ninth Judicial Circuit, the
25 Fifty-fourth Judicial Circuit, and the Fifty-seventh Judicial Circuit.

26 **(3) District Court Judgeships:** Included in the above General Fund
27 appropriation is funding in fiscal year 2006-2007 and fiscal year 2007-2008 for additional

1 District Court judgeships in the Eighth Judicial District and the Twenty-fifth Judicial
2 District.

3 **(4) Drug Court Sites:** Included in the above General Fund appropriation is
4 \$1,300,000 in fiscal year 2006-2007 and \$1,725,000 in fiscal year 2007-2008 to replace
5 Federal Funds for existing Drug Court sites whose funding expires during the 2006-2008
6 fiscal biennium. The above General Fund appropriation includes \$980,000 in fiscal year
7 2007-2008 to expand eight existing Drug Court sites. Also included in the above General
8 Fund appropriation is \$4,770,000 in fiscal year 2007-2008 for 20 new Drug Court sites.

9 **(5) Deputy Clerk Salary Improvement:** Included in the above General Fund
10 appropriation is \$1,213,900 in fiscal year 2006-2007 and \$1,274,500 in fiscal year 2007-
11 2008 to support a deputy clerk salary enhancement initiative in the circuit clerks' offices.
12 These amounts include an increase in the minimum entry level and a minimum across-
13 the-board increase for those deputy clerks whose salaries are less than \$40,000.

14 **(6) Maximum Salary of Trial Commissioners:** Notwithstanding KS
15 24A.100(3), funds are included in the above General Fund appropriation to continue the
16 statutory maximum salary of trial commissioners as provided for in the Judicial Branch
17 Budget Recommendation.

18 **b. Local Facilities Fund**

19		2006-07	2007-08
20	General Fund	60,798,700	82,545,900

21 **(1) Local Court Facility Compensation:** Included in the above appropriation is
22 money to compensate local units of government for providing court space and for costs
23 incurred in the development of local court facilities as defined in KS Chapter 26A and
24 provided in Part II of this Act, and to perform all other acts required or authorized by KS
25 Chapter 26A.

26 **(2) Funds Carry Forward:** Notwithstanding KS 45.229, any unexpended
27 balance remaining at the close of fiscal year 2005-2006 shall not lapse and shall continue

1 into fiscal year 2006-2007, and any unexpended balance remaining at the close of fiscal
 2 year 2006-2007 shall not lapse and shall be continued into fiscal year 2007-2008.

3 **(3) Fayette County Courthouses:** Included in the above General Fund
 4 appropriation is \$300,000 in fiscal year 2006-2007 for improvements to 14 client
 5 interview areas in the Fayette County Courthouses.

6 **(4) Fayette County Courthouses Use Allowance:** The use allowance for the
 7 Fayette County Courthouses is contingent upon Short Street in Lexington, Kentucky,
 8 remaining open to traffic.

9 **c. Local Facilities Use Allowance Contingency Fund**

10		2006-07	2007-08
11	General Fund	-0-	-0-

12 **(1) Funds Carry Forward:** Notwithstanding KS 45.229, any unexpended
 13 balance remaining at the close of fiscal year 2005-2006 shall not lapse and shall continue
 14 into fiscal year 2006-2007, and any unexpended balance remaining at the close of fiscal
 15 year 2006-2007 shall not lapse and shall be continued into fiscal year 2007-2008 to
 16 provide for cost overruns in authorized court facilities projects not to exceed 15 percent
 17 of the use allowance in accordance with KS Chapter 26A.

18 **TOTAL - COURT OF JUSTICE**

19		2006-07	2007-08
20	General Fund	241,341,100	276,121,300
21	Restricted Funds	21,780,600	22,085,100
22	Federal Funds	1,769,900	1,431,500
23	TOTAL	264,891,600	299,637,900

24 **2. Judicial Retirement System**

25		2006-07	2007-08
26	General Fund	3,247,500	3,255,200

27 **(1) Judicial Retirement Benefits:** General Fund amounts are included to provide

1 actuarial assessed judicial retirement benefits, pursuant to KS 21.345 to 21.580.

2 **TOTAL - OPERATING BUDGET**

3		2006-07	2007-08
4	General Fund	244,588,600	279,376,500
5	Restricted Funds	21,780,600	22,085,100
6	Federal Funds	1,769,900	1,431,500
7	TOTAL	268,139,100	302,893,100

8 **PART II**

9 **CAPITAL PROJECTS BUDGET**

10 **1. Lease Authorizations**

- 11 a. Franklin County - Lease - Office Space
- 12 b. Franklin County - Lease - Court of Appeals
- 13 c. Jefferson County - Courts Parking Lease

14 **2. Local Facilities Projects - Authorized:** Nothing in this Act shall reduce the
15 funding of court facility projects authorized by the General Assembly.

16 **3. Local Facilities Use Allowance Contingency Fund:** For any court facility project
17 which is occupied and use allowance funding is insufficient, the use allowance
18 payments shall be approved from the Local Facilities Use Allowance Contingency
19 Fund. If funds are not available in the Local Facilities Use Allowance Contingency
20 Fund, the use allowance payments shall be deemed a necessary governmental
21 expense (General Fund Surplus Account, KS 48.700).

22 **TOTAL - JUDICIAL BRANCH BUDGET**

23		2006-07	2007-08
24	General Fund	244,588,600	279,376,500
25	Restricted Funds	21,780,600	22,085,100
26	Federal Funds	1,769,900	1,431,500
27	TOTAL	268,139,100	302,893,100

PART III

GENERAL PROVISIONS

1. Expenditure Authority: The Director of the Administrative Office of the Courts, with the approval of the Chief Justice, may expend any of the funds appropriated for the court operation and administration in any lawful manner and for any legal purpose that the Chief Justice shall authorize or direct. No executive agency of state government shall have the power to restrict or limit the expenditure of funds appropriated to the Judicial Branch of government.

2. Permissible Obligations Against General Fund Appropriations: The Court of Justice shall not incur any obligation for any program against the General Fund appropriations contained in this Act unless that program may be reasonably determined to have been contemplated by the proposed judicial budget, as modified and enacted, and supported by the statutory budget memorandum and other pertinent records.

3. Severability of Budget Provisions: Appropriation items and sums in this Act conform to KS 48.311. If any section, any subsection, or any provisions thereof shall be invalid or unconstitutional, the decision of the courts shall not affect or impair any of the remaining sections, subsections, or provisions.

4. Duplicate Appropriations: Any appropriation item and sum in this Act and in an appropriation provision in another Act of the 2006 General Assembly which constitutes a duplicate appropriation shall be governed by KS 48.312.

5. Priority of Individual Appropriations: KS 48.313 shall control when a total or subtotal figure in this Act conflicts with the sum of the appropriations of which it consists.

6. Carry Forward of Restricted and Federal Funds: Notwithstanding KS 45.229, any unexpended balance remaining in the Court's Restricted Funds accounts or Federal Funds accounts at the close of the fiscal years ending June 30, 2006, and June 30, 2007, shall not lapse and shall continue into the next fiscal year.

1 **7. Final Budget Document:** The Chief Justice shall cause the Director of the
2 Administrative Office of the Courts to prepare a final budget document reflecting the
3 2006-2008 biennial budget of the Court of Justice. A copy shall be provided to the
4 Legislative Research Commission and an informational copy shall be furnished to the
5 Finance and Administration Cabinet within 60 days of the adjournment of the 2006
6 Regular Session of the General Assembly.

7 **8. Transferability of Funds:** The Chief Justice of the Commonwealth of
8 Kentucky shall have the ability to transfer funds to other programs and budget units
9 within the Judicial Branch. Any funds transferred to other budget units within the Judicial
10 Branch may be used to support any activity, program, or operation of the budget unit or
11 program receiving the respective funds.

12 **9. Appropriations Revisions:** Proposed revisions to Restricted Funds and
13 Federal Funds appropriations in this Act shall be made and reported pursuant to KS
14 48.630(10). The Director of the Administrative Office of the Courts shall notify on a
15 timely basis the Legislative Research Commission of the most current estimates of
16 anticipated receipts for the affected fiscal year and an accompanying statement which
17 explains such variations from the anticipated amount.

18 **10. Judicial Retirement:** To achieve consistency with the Kentucky Court of
19 Justice Personnel Policy Section 6.03(2), with respect to non elected employees, the
20 compensation payable to any Justice or Judge, elected after January 1, 2007, receiving
21 retirement benefits from the Judicial Retirement Plan on account of prior judicial service
22 shall be fixed at an amount whereby his or her total salary and retirement benefits shall
23 not exceed the salary fixed for the judicial office held.

24 **11. General Fund Expenditure Reductions through Efficiencies:** The Chief
25 Justice shall reduce General Fund expenditures appropriated in this Act by \$2,500,000 in
26 fiscal year 2006-2007 and by \$2,500,000 in fiscal year 2007-2008 by reducing waste,
27 fraud, and abuse, and by creating additional savings through increased efficiencies.

1 **PART IV**

2 **BUDGET REDUCTION OR SURPLUS EXPENDITURE PLAN**

3 The Judicial Branch shall participate in any Budget Reduction Plan or Surplus
4 Expenditure Plan in accordance with the provisions of KS Chapter 48.

5 **PART V**

6 **JUDICIAL DISTRICTS AND CIRCUITS**

7 Notwithstanding KS 48.310, the following statutes are amended to read as follows
8 and shall have permanent effect, subject to future actions by the General Assembly:

9 Section 1. KS 23A.040, effective July 15, 2006, is amended to read as follows:

10 The following judicial circuits are entitled to two (2) judges and shall have two (2)
11 numbered divisions of the Circuit Court:

12 (1) **Fourth Judicial Circuit.**

13 **(2)** Fifth Judicial Circuit.

14 **(3)**~~[(2)]~~ Sixth Judicial Circuit.

15 **(4)**~~[(3)]~~ Tenth Judicial Circuit.

16 **(5)**~~[(4)]~~ Eleventh Judicial Circuit.

17 **(6)**~~[(5)]~~ Twelfth Judicial Circuit.

18 **(7)**~~[(6)]~~ Thirteenth Judicial Circuit.

19 ~~[(7) Fourteenth Judicial Circuit.]~~

20 (8) Eighteenth Judicial Circuit.

21 (9) Twentieth Judicial Circuit.

22 (10) Twenty-first Judicial Circuit.

23 (11) Twenty-fourth Judicial Circuit.

24 (12) Thirty-second Judicial Circuit.

25 (13) Thirty-fourth Judicial Circuit.

26 (14) Thirty-seventh Judicial Circuit.

27 (15) Thirty-eighth Judicial Circuit.

- 1 **(16) *Thirty-ninth Judicial Circuit.***
- 2 **(17)** Forty-first Judicial Circuit.
- 3 **(18)**~~[(17)]~~ Forty-second Judicial Circuit.
- 4 **(19)**~~[(18)]~~ Forty-third Judicial Circuit.
- 5 **(20)**~~[(19)]~~ Forty-sixth Judicial Circuit.
- 6 **(21) *Forty-ninth Judicial Circuit.***
- 7 **(22)**~~[(20)]~~ Fiftieth Judicial Circuit.
- 8 **(23)**~~[(21)]~~ Fifty-first Judicial Circuit.
- 9 **(24)**~~[(22)]~~ Fifty-third Judicial Circuit.
- 10 ~~[(23) Fifty-fourth Judicial Circuit.]~~
- 11 **(25)**~~[(24)]~~ Fifty-fifth Judicial Circuit.
- 12 **(26) *Fifty-seventh Judicial Circuit.***

13 Section 2. KS 23A.045, effective July 15, 2006, is amended to read as follows:

14 The following judicial circuits are entitled to three (3) Circuit Judges and shall have three
 15 (3) numbered divisions of the Circuit Court:

- 16 (1) Second Judicial Circuit.
- 17 (2) Third Judicial Circuit.
- 18 (3) **Fourteenth**~~[(Ninth)]~~ Judicial Circuit.
- 19 (4) Seventeenth Judicial Circuit.
- 20 (5) Twenty-seventh Judicial Circuit.
- 21 (6) Twenty-eighth Judicial Circuit.
- 22 (7) Thirty-first Judicial Circuit.
- 23 (8) Thirty-fifth Judicial Circuit.
- 24 (9) Forty-eighth Judicial Circuit.
- 25 **(10) *Fifty-fourth Judicial Circuit.***

26 Section 3. KS 23A.050, effective July 15, is amended to read as follows:

27 The following judicial circuits are entitled to four (4) judges and shall have four (4)

1 numbered divisions of the Circuit Court:

2 (1) Eighth Judicial Circuit.

3 (2) *Ninth Judicial Circuit.*

4 (3) Sixteenth Judicial Circuit.

5 (4)~~[(3)]~~ Twenty-fifth Judicial Circuit.

6 Section 4. KS 24A.050, effective January 1, 2007, is amended to read as follows:

7 The following judicial districts are entitled to two (2) District Judges and shall have two

8 (2) numbered divisions of the District Court:

9 (1) Second Judicial District.

10 (2) Third Judicial District.

11 (3) Fourth Judicial District.

12 ~~(4)[Eighth Judicial District.~~

13 ~~(5)] Ninth Judicial District.~~

14 (5)~~[(6)]~~ Eleventh Judicial District.

15 (6)~~[(7)]~~ Twelfth Judicial District.

16 (7)~~[(8)]~~ Thirteenth Judicial District.

17 (8)~~[(9)]~~ Fourteenth Judicial District.

18 (9)~~[(10)]~~ Fifteenth Judicial District.

19 (10)~~[(11)]~~ Seventeenth Judicial District.

20 (11)~~[(12)]~~ Twenty-first Judicial District.

21 (12)~~[(13)]~~ Twenty-fourth Judicial District.

22 (13)~~[(14)]~~ ~~Twenty-fifth Judicial District.~~

23 ~~(15)]~~ Twenty-seventh Judicial District.

24 (14)~~[(16)]~~ Twenty-eighth Judicial District.

25 (15)~~[(17)]~~ Thirty-first Judicial District.

26 (16)~~[(18)]~~ Thirty-second Judicial District.

27 (17)~~[(19)]~~ Thirty-fourth Judicial District.

- 1 ~~(18)~~~~[(20)]~~ Thirty-fifth Judicial District.
- 2 ~~(19)~~~~[(21)]~~ Thirty-eighth Judicial District.
- 3 ~~(20)~~~~[(22)]~~ Fortieth Judicial District.
- 4 ~~(21)~~~~[(23)]~~ Forty-first Judicial District.
- 5 ~~(22)~~~~[(24)]~~ Forty-sixth Judicial District.
- 6 ~~(23)~~~~[(25)]~~ Forty-eighth Judicial District.
- 7 ~~(24)~~~~[(26)]~~ Fifty-first Judicial District.
- 8 ~~(25)~~~~[(27)]~~ Fifty-third Judicial District.
- 9 ~~(26)~~~~[(28)]~~ Fifty-fourth Judicial District.
- 10 ~~(27)~~~~[(29)]~~ Fifty-fifth Judicial District.
- 11 ~~(28)~~~~[(30)]~~ Fifty-sixth Judicial District.

12 Section 5. KS 24A.060, effective January 1, 2007, is amended to read as follows:

13 **The following judicial districts are entitled to three (3) District Judges and shall have**
 14 **three (3) numbered divisions of the District Court:**

15 **(1) Sixth Judicial District.**

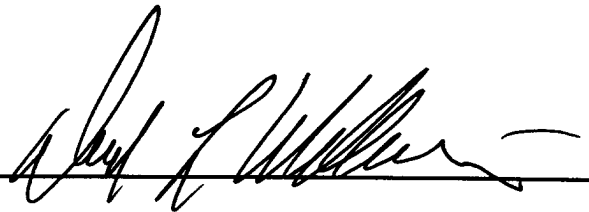
16 **(2) Eighth Judicial District.**

17 **(3) Twenty-fifth Judicial District**~~[The Sixth Judicial District is entitled to three (3)~~
 18 ~~District Judges and shall have three (3) numbered divisions of the District Court].~~

19 Section 6. The new judgeships created by Sections 1 to 5 of this Part shall become
 20 effective January 1, 2007, and an election to fill each new judgeship shall be placed on
 21 the ballot for the general election held in November, 2006. Notwithstanding KS
 22 118A.060(2), a candidate for a judgeship created by Sections 1 to 5 of this Part may file a
 23 petition for nomination during the time period beginning on the effective date of this Act
 24 and ending at 4 p.m. local time at the place of filing on August 8, 2006. KS Chapter 118A
 25 notwithstanding, all candidates for a judgeship created by Sections 1 to 5 of this Part who
 26 file a valid petition for nomination shall be placed on the ballot.



Speaker-House of Representatives



President of the Senate

Attest: 

Chief Clerk of House of Representatives

Approved _____
Governor

Date _____